

REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the forms PTO-1449 that were filed on August 22, 2003 and September 16, 2004.

Pursuant to the examiner's request, the specification has been reviewed to correct an error that was noted.

Claims 1 – 40 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 33 – 36 were objected to for informalities listed in the office action. The informalities have been corrected. Therefore, reconsideration and withdrawal of the objection is respectfully requested.

Claims 17, 26 and 27 were rejected under 35 USC 112, second paragraph, as being indefinite. The specific instances of indefiniteness identified in the office action have been remedied. Reconsideration and withdrawal of the rejection is respectfully requested.

On page 5 of the office action, dependent claims 16 – 18 and 25 – 27 were objected to, but indicated as being allowable if rewritten in independent form. Claims 16 and 25 have been re-written in independent form to include claim 15 or 24, respectively, and it is respectfully submitted that claims 16 – 18 and 24 – 27 as rewritten are allowable. Claims 17, 26 and 27 dependent from claim 15 or 24 have been amended to depend from the respective allowable claims. In view of the above, the applicants submit that these claims are allowable.

The applicants have rewritten the claims in independent form since the office action indicated that claims 16 – 18 and 25 – 27 would be allowable if so re-written. However, the applicants do not concede that other features in the claims are found in the prior art.

The applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, the applicants reserve the right to pursue the original subject matter in a continuation application.

The applicants appreciate the indication that claims 33 – 34 would be allowable if amended to overcome the objection. It is respectfully submitted that the claims as amended are allowable.

Claims 1 – 3, 5 – 10, 12 – 15, 19, 22 – 24, 28, 31, 32 and 37 – 40 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent publication No. 2002/0070876, Hirohama et al. (“Hirohama”). Further, claims 1 – 15, 19 – 24, 28 – 32 and 35 – 40 were rejected under 35 USC 102(a) as being anticipated by JP No. 2003-154824, Nakayama (“Nakayama”). The rejections are respectfully traversed for reasons including the following, which are provided by way of example.

As described in the application, the invention recognizes the problem of registering tire identifications when, for example, a punctured tire is replaced with a spare tire. (E.g., specification page 3, lines 22 – 27.) Independent claim 1 recites in combination, for example, “registering said ID transmitted from each of said transmitters as a provisional ID of said transmitter when said traveling condition specifying data indicates that said vehicle is stopped;” “judging whether or not said provisional ID of each of said transmitters agrees with said ID transmitted from said transmitter when said traveling condition specifying data indicates that said vehicle is traveling;” and “identifying said provisional ID of one of the transmitters associated

with the tires actually installed on wheels of the vehicle based on said variable data transmitted from said transmitter when said provisional ID agrees with said ID transmitted from said transmitter.” (See also independent claims 5, 8, 12, 15, 19, 24, 28, and 35.)

Without conceding that Hirohama discloses any feature of the present invention, Hirohama to the contrary is directed to a tire pressure monitoring device using a receiver. According to Hirohama, the receiver 10 determines an ID code registration method (see, e.g., Abstract). When a vehicle is stationary, the receiver 10 determines execution of the first ID code registration method (e.g., paragraph [0036]). In the first ID code registration method, an ID registration device 9 instructs each of the transmitters 5 – 8 to transmit data including a registration code to the receiver 10 (see, e.g., paragraph [0038]). Registration of each wheel is determined (see, e.g., paragraph [0040]). On the other hand, when the vehicle is moving, the receiver determines execution of the second ID code registration method in which the ID registration device 9 is not used (see, e.g., paragraph [0043]). In this second ID code registration method, the receiver 10 sets a normal code as a second function code (see, e.g., paragraph [0046]), and each of the transmitters 5 – 8 transmits data including the normal code, an ID code, and air pressure data. When the receiver 10 receives the data, the receiver 10 ascertains that the function code of the data is the normal code, and the ID code is temporarily stored (see, e.g., paragraphs [0047, 0048]). The receiver takes the stored ID codes of the four wheels, and the ID codes of the four wheels are registered (see, e.g., paragraph [0049]).

The office action asserts that Hirohama anticipates the invention as claimed. To the contrary, Hirohama fails to set forth each and every element found in the claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention

must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Hirohama completely fails to teach or suggest, for example, "registering said ID transmitted from each of said transmitters as a provisional ID of said transmitter when said traveling condition specifying data indicates that said vehicle is stopped," and processing of the provisional ID including the "judging" and "identifying" steps or means. (See, e.g., independent claims 1, 5, 8, 12, 15, 19, 24, 28, and 35.) Therefore, the independent claims as amended are allowable over Hirohama.

Turning now to the rejection based on Nakayama, Nakayama is directed to a tire air pressure monitoring device having a microcomputer 13f. According to Nakayama, the microcomputer 13f compares stored IDs of mounted tires and IDs of data including an ON centrifugal switch signal to conduct the mounted tire ID registration arithmetic processing. When both IDs do not match, the microcomputer 13f changes the unmatched IDs for updated storage (Abstract).

The office action asserts that Nakayama anticipates the invention as claimed. To the contrary, Nakayama fails to set forth each and every element found in the claims. Nakayama fails to teach or suggest, for example, "registering said ID transmitted from each of said transmitters as a provisional ID of said transmitter when said traveling condition specifying data indicates that said vehicle is stopped," and processing of the provisional ID including the "judging" and "identifying" steps or means. (See, e.g., independent claims 1, 5, 8, 12, 15, 19, 24, 28, and 35.) Therefore, the independent claims as amended are allowable over Nakayama.

Hirohama and/or Nakayama fail to teach or suggest, for example, these elements recited in independent claims 1, 5, 8, 12, 15, 19, 24, 28, and 35. It is respectfully submitted therefore that claims 1, 5, 8, 12, 15, 19, 24, 28, and 35 are patentable over Hirohama and Nakayama.

For at least these reasons, the combination of features recited in independent claims 1, 5, 8, 12, 15, 19, 24, 28, and 35, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Hirohama and Nakayama clearly fail to show other claimed features as well.

With respect to the rejected dependent claims, the applicants respectfully submit that these claims are allowable not only by virtue of their dependency from independent claims 1, 5, 8, 12, 15, 19, 24, 28, and 35, but also because of additional features they recite in combination.

The applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, the applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

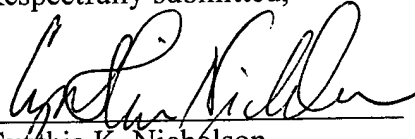
The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Serial No. 10/645,636

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cynthia K. Nicholson', written over a horizontal line.

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